

***Remarks***

Upon entry of the foregoing amendment, claims 13-15, 18-20, 26, and 27 are pending in the application, with 13, 19, 20, and 26 being the independent claims. Claim 20 has been withdrawn from consideration. Claims 13, 19, and 26 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Statement of the Substance of Interviews***

Applicants wish to thank Examiner Nguyen for the courtesy extended to their representative, Lori A. Gordon, during the telephone interviews on January 22, 2008 and February 15, 2008. During the telephone interview of January 22, 2008, Applicants' representative explained the distinctions between Applicants' claimed invention and the cited reference, Eng. No agreement was reached. During the telephone interview of February 15, 2008, Applicants' representative discussed proposed amendments to the claims.

***Rejections under 35 U.S.C. § 102***

In the Office Action, claims 13, 14, 19, 26, and 27 were rejected under 35 U.S.C. §102(a) as being anticipated by Eng, U.S. Patent No. 6,370,153 (Eng). Applicants respectfully traverse this rejection.

Eng does not teach or suggest each and every feature of amended independent claim 13. Specifically, Eng does not teach or suggest at least the feature of "when a

collision is detected at said detecting step, waiting for a period determined according to a repeat parameter before repeating steps a) and b), wherein said repeat parameter is received by said transceiver and wherein said repeat parameter indicates a waiting period and includes an increment by which said waiting period is increased after each subsequent collision is detected, whereby said transmission in step a) is increasingly delayed as additional collisions are detected,” as recited in amended claim 13.

Eng discloses that a subscriber station retransmits a reservation request packet “at the next available mini-slot on the upstream channel.” (Eng, col. 17, lines 50-52)(emphasis added). That is, Eng teaches that retransmission occurs as soon as possible, regardless of the number of collisions. In contrast, amended claim 13 recites that the retransmissions are progressively delayed as more collisions are detected.

Eng further does not teach or suggest each and every feature of amended independent claim 19. Specifically, Eng does not teach or suggest at least the features of “transmitting to each of said plurality of transceivers a forward frequency channel allocation signal indicating an allocation of a forward frequency channel which that transceiver is to receive, wherein each transceiver in said plurality of transceivers is allocated a different forward frequency channel; and transmitting to each of said plurality of transceivers, in said forward frequency channel assigned to that transceiver, a respective return channel allocation signal indicating an allocation of one or more return frequency channels in which that transceiver may transmit,” as recited in amended independent claim 19.

Eng discloses a cable communication system in which a headend communicates with a plurality of subscriber stations via a single downstream (i.e, forward) channel and

two upstream (i.e., return) channels. (Eng, col. 11, lines 11-17 and 52-60). The headend transmits packets of data to all subscriber stations using the downstream channel (known as the Downstream Control and Payload Channel, DCPC), and the subscriber stations determine whether to accept or discard the packets by comparing each packet's destination address to its own address. (See description of the Downstream Channel, DC, at Eng, col. 4, lines 9-27 which is also applicable to the DCPC as indicated at Eng, col. 11, lines 46-48). Thus, in Eng, indications of assigned upstream slots are transmitted to all subscriber stations on the network. All subscriber stations listen to the DCPC at all times, and accept or disregard packets based on the packets' destination address.

In contrast, the subject matter of claim 19 avoids the need to transmit return schedules to all transceivers on the network. This is achieved by associating a forward channel with a set of preferred channels. Thus, a particular forward channel does not contain return schedules for all return channels, but instead contains return schedules for the subset of return channels that are associated with that forward channel.

Eng also does not teach or suggest each and every feature of amended independent claim 26. Eng describes an arrangement by which a subscriber station calculates how many time slots would be required to transmit the payload data that is queued for transmission to the headend. (Eng, col. 16, lines 27-31). The subscriber station then explicitly requests a precise amount of capacity and the headend responds by allocating the precise amount of capacity that was requested. (Eng, col. 16, line 51-58; col. 17, line 65 – col. 18, line 6).

Thus, Eng does not teach or suggest at least the features of:

- monitoring data packets transmitted to said first transceiver;
- analyzing the content of the payload of said monitored data packets;
- predicting, on the basis of said analyzing, a future demand for capacity in said channel by said first transceiver; and
- transmitting to said first transceiver an allocation signal indicating an allocation in said channel determined according to said predicted demand, wherein said allocation is made independently from a request for allocation by said first transceiver

as recited in amended independent claim 26.

For at least the foregoing reasons, amended independent claims 13, 19, and 26 are patentable over Eng. Claim 14 depends from claim 13 and claims 18 and 26 depend from claim 26. For at least the foregoing reasons, and further in view of their own features, dependent claims 14, 18, and 26 are patentable over Eng. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

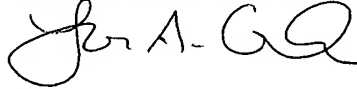
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Lori A. Gordon". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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